

What is planned production?

Planned production is an attempt to allow communities to take a proactive approach with the development of affordable housing. In order to participate in planned production a community must submit an affordable housing plan to the Department of Housing and Community Development (DHCD). If DHCD approves the plan and certifies that the community is in compliance with the plan (they are able to produce units) a Board may deny a 40B application.

Why did DHCD implement planned production?

DHCD believes that by encouraging communities to take a proactive approach in the development of affordable housing, communities can achieve both their affordable housing and planning goals in a manner that is as integrated and harmonious as possible. DHCD is hopeful that units developed via planned production will be welcomed by and have the support of the broader community.

How does a community participate in planned production?

The community must submit an affordable housing plan and must produce housing units in accordance with that plan.

What needs to be contained in the affordable housing plan?

Overall, the plan must establish a context for municipal action with regard to housing based on a comprehensive housing needs analysis that examines current community demographics, existing housing stock characteristics, development conditions and constraints, municipal ability to mitigate those constraints and an evaluation of municipal infrastructure.

The plan must address a mix of housing consistent with identified needs and feasible within the housing market, specific strategies by which the community will achieve its housing goals and descriptions of the use restrictions the community will use to ensure affordability. A summary submission follows:

- Section 1. Comprehensive Housing Needs Assessment
 - (Development constraints/ ability to mitigate constraints)
 - (Overview of infrastructure)
- Section 2. Affordable Housing Goals
 - (may include preferred characteristics of development)
- Section 3. Affordable Housing Strategy
 - (including timeframe/schedules for production of units)
 - (may include identification of areas, specific sites or municipal lands)
 - (including smart growth principles)

Section 4. Proposed Use Restrictions

My community is concerned about the fiscal impact of school children. We only want to develop elderly housing. Is this acceptable?

No. The plan needs to include a mix of housing, such as rental and homeownership. The specific composition (families, elders, singles) of that mix may vary according to the community's housing needs assessment.

Do we have to name a specific location where the housing will be developed?

No; however, that is an option if it is possible and makes sense for your community. The plan must also address at least **one or more** of the following actions:

- Identification of geographic areas in which land use regulations will be modified to accomplish affordable housing production goals.
- Identification of specific sites on which Comprehensive Permit applications are to be encouraged,
- Preferable characteristics of residential development, or
- Municipally owned parcels for which development proposals will be sought.

My municipality has submitted an affordable housing plan. When will we know of the plan is approved by DHCD?

DHCD must decide if the plan is acceptable within 90 days of submission.

If the plan is denied, can we resubmit?

Yes. DHCD staff will provide you with the reason (s) for denial. Communities can resubmit their affordable housing plan at any time. In addition, communities can amend approved plans at any plans.

Once a plan is approved, can we automatically stop all 40B applications?

No. **The key to plan production is production.** Once a plan is approved it does not automatically stop all pending 40B applications or allow communities to turn away new 40B/Comprehensive Permit applications. A community has to provide evidence that it is in compliance with the plan. This is done by demonstrating to DHCD that the necessary number of units has been produced. Once a community has been certified as compliant with its approved plan, it may deny a comprehensive permit request on that basis for a period of one year from the date of the certification request.

Please note; the planned production regulations became effective on September 27, 2002; so applications filed with zoning boards prior to that date are held harmless. Applications made after that date could be denied (assuming certification of plan compliance from DHCD).

When does a unit count?

Units count at the earliest of the issuance of the following:

- a- comprehensive permit
- b- building permit
- c- occupancy permit

How many units need to be produced to be in compliance?

A community certified to be in compliance with an affordable housing plan may deny comprehensive permit applications for a one year period following certification of $\frac{3}{4}$ of one percent, two years if certified at 1.5%.

Do the affordable units have to contain any deed restrictions?

The plan must address the long-term -use restrictions that will be placed on the affordable housing units.

Developing this plan sounds expensive. My community is struggling with the current fiscal crisis. What sources of existing information can be used with the development of this plan?

Many communities have adopted plans that contain the required elements of an affordable housing plan or a series of planning documents that contain some of the requirements. Master plans, Executive Order 418 community development plans or housing certification strategies, Consolidated Plans or Affordable Housing Strategies produced within the past 5 years may contain some or all of the necessary information to achieve certification under this regulation. If this is the case, any additional material may be limited to a brief summary document that pulls together the various findings in the format/order required under the Planned Production guidelines.

Once we are finished the plan, whom do we send it to?

Jane Wallis Gumble, Director
MA Department of Housing and Community Development
Office of Sustainable Development
1 Congress Street
Boston, MA 02114

The Department would prefer an electronic copy of the plan for its review, submitted via email attachment or on disc. Please email the document to:

MaryJane.Gandolfo@ocd.state.ma.us

For existing plans that are not available in electronic format or do present the information in the order specified in the guidelines, an electronic copy of the summary document must be submitted.

How do we request compliance with the plan?

Communities with an approved affordable housing plan may request DHCD certification of compliance with their plan by submitting evidence that housing units have been produced in the calendar year for which certification is requested that are eligible to be counted on the Subsidized Housing Inventory and total at least $\frac{3}{4}$ of one percent of the total housing units in the community. This can be demonstrated by submitting a description of the units including their location, and copies of final comprehensive permits and/or building permits for the required units.

The Department will evaluate whether the housing units identified have been produced in accordance with the approved affordable housing plan for the community. If the units have been produced in accordance with the plan and the number of units is at least $\frac{3}{4}$ of one percent of the community's total year round housing units, DHCD will certify that the community is in compliance with its plan.

When will we know if we are in compliance with plan?

DHCD will determine whether a community is in compliance with its plan within 30 days of receiving a community request for certification. In addition, if a community is certified compliant with its plan (i.e. sufficient units are "produced") the compliance is retroactive to the date certification was requested.

Is it possible to see other community's plans that have been approved?

Yes. DHCD will post all approved plans at:

<http://www.state.ma.us/dhcd/Ch40B/RegGuide.htm>

I have heard that changes may be implemented to the current planned production regulations. How do I keep informed?

Please check the DHCD 40 B website at:

<http://www.state.ma.us/dhcd/Ch40B/RegGuide.htm>

I have a question that is not covered; can I speak to someone at DHCD?

Yes. Call the office of Planning and Sustainable Development at DHCD. The phone number is (617)-727-7004 ext. 447.